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06/06/2011 DALLEN 00000010 233000 5722334  
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/Kevin E. Kuehn/ May 25, 2011  
Kevin E. Kuehn Date  
Reg. No, 51904

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant[s]: Walter Josef Martin et al.  
Serial No.: 08/800,583  
Patent No.: 5,722,334  
Filing Date: February 18, 1997  
Examiner: Ljiljana V. Ciric  
Art Unit: 3743  
Title: FIRE GRATE, IN PARTICULAR FOR WASTE INCINERATORS  
Attorney Docket: MTIN-01  
Confirmation No.: 5253

May 25, 2011

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**NOTIFICATION OF ERROR IN PAYMENT OF FEE(S)  
AS A SMALL ENTITY (37 C.F.R. §1.28(c))**

**Erroneous Filing of Small Entity Statement**

1. On February 17, 1997, Patent Owner (the assignee) erroneously filed a small entity assertion for this patent.
2. Patent Owner made this small entity assertion in good faith and paid the small entity fee(s) in good faith.
3. Patent Owner recently learned that its small entity assertion was made in error, although such assertion was made in good faith. More particularly, Patent Owner believed in good faith

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U.S. Patent No. 5,722,334  
(Serial No. 08/800,583)  
Filing Date: February 18, 1997

that it was entitled to assert small entity status, at the time this assertion was made. Patent Owner has now learned that it was not so entitled. With this paper, Patent Owner rectifies this situation by identifying and paying the large entity amounts as identified below, i.e., the full deficiencies.

4. **Itemization of the Fee(s) Erroneously Paid as a Small Entity**

Filing Date of Original Paper	Type of Fee Paid	Column A Current Fee as a large entity	Column B Amount originally paid	Deficiency Owed (based on current fee amount) Col. A minus Col. B)
2/17/1997	Filing Fee	\$850	\$385	\$465
11/3/1997	Issue Fee	\$1510	\$660	\$850
8/29/2001	3.5 yr. Maintenance Fee	\$980	\$425	\$555
8/25/2005	7.5 yr. Maintenance Fee	\$2480	\$1150	\$1330
9/1/2009	11.5 yr. Maintenance Fee	\$4110	\$2055	\$2055
TOTAL				\$5255

5. Patent Owner respectfully requests that the total deficiency owed, i.e., an amount of \$5,255, be charged to Deposit Account No. 23-3000.

In view of payment of the deficiency per 37 C.F.R. §1.28(c), Patent Owner respectfully requests that the USPTO correct the file to indicate large entity status, and that the erroneous establishment of status as small entity be excused. If any additional fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,  
WOOD, HERRON & EVANS, L.L.P.

By: /Kevin E. Kuehn/  
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